MJC No.232 of 2001
Misc. Case No.02 of 2013

15. 19.11.2015 Heard learned counsel for the parties.

This is an application for appointment of a substitute Arbitrator as the learned Arbitrator appointed pursuant to the order of this Court dated 17.10.2003 has expressed his unwillingness to continue any further in the matter.

Learned counsel for the petitioner submits that vide order dated 17.10.2003, this Court had appointed Shri S.K.Mohanty, a former judge of this Court as the Arbitrator, to adjudicate the dispute between the parties. It is submitted that though learned Arbitrator continued with the proceeding, subsequently vide order under Annexure-1 to the application, he has expressed his unwillingness to continue any further as an Arbitrator. Accordingly, it is submitted that it is only just and proper for this Court to appoint a substitute Arbitrator in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996, for adjudication of the dispute between the parties. In this regard, learned counsel for the petitioner has proposed the name of Shri S.S. Rao, Advocate, who may be appointed as the sole Arbitrator to adjudicate the dispute between the parties.

Learned counsel appearing for the opposite party does not dispute the factual position detailed above and has no serious objection to the proposal for appointment of Shri S.S. Rao, Advocate, as the sole Arbitrator to adjudicate the dispute.

Considering the submissions made and as agreed to by the parties, Shri S.S. Rao, Advocate, is hereby appointed as the sole Arbitrator to adjudicate the dispute between the parties. The venue of the arbitration shall be at the High Court of Orissa Arbitration Centre and the proceeding shall be conducted by the learned Arbitrator as per the High Court of Orissa Arbitration Centre (Arbitration Proceedings) Rules, 2014.

Misc. Case is accordingly disposed of.

Issue urgent certified copy as per rules.

This order be communicated to Shri S.S.Rao, Advocate, forthwith.

(S.C.Parija, J.)

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